

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSE SOTO,

Plaintiff,

v.

ORDER

C.O. KELLEY, C.O. GRANT, C.O. DONOVAN,
C.O. GEE, C.O. CROCKER, TRAVIS BITTELMAN,
and C.O. LAFERVE,

14-cv-514-jdp

Defendants.

Plaintiff Jose Soto, represented by counsel, is proceeding on claims that defendants violated his rights under the Eighth Amendment by using excessive force against him and that certain defendants violated his rights under the First Amendment by retaliating against him when he mounted a hunger strike to protest the excessive force used against him. A trial is scheduled for July 24, 2017.

Soto—without his attorney—has filed a motion for leave to proceed pro se on a claim of deliberate indifference.¹ Dkt. 39. I will deny the motion because Soto is represented by counsel, so he may not file motions directly with the court. He must work through his lawyer and must permit his lawyer to exercise professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Soto should be prepared to accept the strategic decisions made by his lawyer even if he disagrees with some of them. If Soto decides at some point not to work with his lawyer, he is free to end the representation and proceed pro se on all of his claims.

¹ Soto, through counsel, already attempted to proceed on a deliberate indifference claim, but I concluded that the deliberate indifference claim could not be joined with the excessive force and retaliation claims under Federal Rule of Civil Procedure 20. Dkt. 28.

ORDER

IT IS ORDERED that plaintiff Jose Soto's motion for leave to proceed pro se on a claim of deliberate indifference, Dkt. 39, is DENIED.

Entered January 6, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge